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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

POWER VENTURES, INC. a Cayman Island
corporation, STEVE VACHANI, an individual;
DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,

Defendants.

Case No. 5:08-cv-05780-LHK

**JUDGMENT AND PERMANENT
INJUNCTION**

1 This matter is on remand from the Ninth Circuit Court of Appeals.

2 The Court held a Case Management Conference on January 11, 2017. The unrebutted
 3 evidence reflects that all of the damages requested by Facebook were incurred on an after
 4 December 1, 2008, the date that Power received the cease and desist letter. In light of the
 5 evidence this Court received, it re-affirms the findings of fact and conclusions of law previously
 6 set forth in ECF No. 373, relating to the harm Facebook suffered on and after December 1, 2008
 7 as a result of Defendants' violations of the CFAA and California Penal Code Section 502(b).
 8 Further, the Court also re-affirms the findings of fact and conclusions of law set forth by
 9 Magistrate Judge Spero in ECF No. 356 regarding the need for discovery sanctions against
 10 Defendant, which findings and conclusions of law the Ninth Circuit has sustained. *Facebook,*
 11 *Inc. v. Power Ventures, Inc.*, No. 13-17154, slip op. at 22.

12 Based upon the foregoing, the Clerk of the Court shall enter Judgment in favor of Plaintiff
 13 and against Defendants, jointly and severally, in the following amounts:

14 (1) \$46,883.00, reflecting Facebook's damages on and after December 1, 2008, arising
 15 from Defendants' violations of the Computer Fraud and Abuse Act, and California Penal
 16 Code Section 502;

17 (2) \$39,796.73, reflecting the costs and attorney fees that Magistrate Judge Spero in
 18 ECF 356 ordered Defendants to pay as a discovery sanction; and

19 (3) \$49,637.93, the costs this Court in ECF No. 390 previously taxed against
 20 Defendants.

21 Furthermore, the Court again orders that Facebook is entitled to a permanent injunction
 22 against Power Ventures and Steven Vachani as follows:

23 1. Defendants, their agents, officers, contractors, directors, shareholders,
 24 employees, subsidiary companies or entities, affiliated or related companies and entities,
 25 assignees, and successors-in-interest, and those in active concert or participation with them,
 26 are permanently enjoined from:

1 A. Accessing or using, or directing, aiding, facilitating, causing, or conspiring
2 with others to use or access the Facebook website or servers for any commercial purpose,
3 without Facebook's prior permission.

4 B. Using any data, including without limitation Facebook-user data and data
5 regarding Facebook's website or computer networks, obtained as a result of the unlawful
6 conduct for which Defendants' have been found liable.

7 C. Developing, using, selling, offering for sale, or distributing, or directing,
8 aiding, or conspiring with others to develop, sell, offer for sale, or distribute, any software
9 that allows the user to engage in the conduct found to be unlawful.

10 2. Defendants, their agents, officers, contractors, directors, shareholders,
11 employees, subsidiary companies or entities, affiliated or related companies and entities,
12 assignees, and successors-in- interest, and those in active concert or participation with them
13 shall destroy any software, script(s) or code designed to access or interact with the Facebook
14 website, Facebook users, or the Facebook service. They shall also destroy Facebook data
15 and/or information obtained from Facebook or Facebook's users, or anything derived from
16 such data and/or information.

17 3. Within three calendar days of entry of this permanent injunction and order,
18 Defendants shall affirm that they already have notified, or shall notify, their current and
19 former officers, agents, servants, employees, successors, and assigns, and any persons acting
20 in concert or participation with them of this permanent injunction.

21 4. Within seven calendar days of entry of this injunction and order, Defendants
22 shall certify in writing, under penalty of perjury, that they have complied with the provision
23 of this order, and state how notification of this permanent injunction in accordance with
24 paragraph 3 above was accomplished, including the identities of all email accounts (if any)
25 used for notification purposes.

26 5. The Court shall continue to retain jurisdiction over the parties for the purpose
27 of enforcing this injunction and order.

1 The Clerk shall close the file.

2
3 **IT IS SO ORDERED.**

4 Dated: _____, 2017 _____

LUCY H. KOH
United States District Judge